

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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AMILCAR RAMOS #12b2390

plaintiff

NOTICE OF MOTION FOR  
LEAVE TO AMEND COMPLAINT

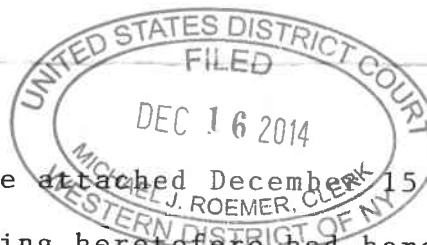
V.

09\_CV\_0453

CARL LUNDIN, MCCARTHY GIBSON

defendants.


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Please take notice that upon the attached December 15, 2014 supporting affirmation and all proceeding heretofore had herein, Amilcar Ramos (plaintiff) will this United States District court, Western District of new york, 304 U.S. Courthouse, 68 court st. Buffalo, New York, on the court to set date and time to be heard for motion granting plaintiff permission to amend Complaint under Fed.R.Civ Rules 15(a),(c)(3), and 20. And for such other and further the court deems just or appropriate.

Dated: December 15, 2014  
Wyoming, New York

RESPECTFULLY SUBMITTED,

  
Amilcar Ramos #12b2390  
Attica correctional Facility  
639 Exchange street  
Attica, New York 14011

CC. UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK  
U.S. COURTHOUSE  
68 COURT STREET  
BUFFALO, NEW YORK 14202

David lee, #4798278  
A.C.C  
65 NIAGARA SQUARE  
1104 CITY HALL  
BUFFALO, NEW YORK 14202

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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AMILCAR RAMOS #12B2390

plaintiff,

SUPPORTING AFFIRMATION  
FOR NOTICE OF MOTION FOR  
LEAVE TO AMEND COMPLAINT

V.

09-CV-0453 (JJM)

CARL LUNDIN, MCCARTHY GIPSON,

Defendants,

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AMILCAR RAMOS (plaintiff) declare under 28 U.S.C. 1746  
perjury penalties that:

1. This affirmation is in support of plaintiff motion requesting leave to amend complaint under Fed.R.Civ.P Rules (a), (c) (3), and 20 specifically, plaintiff respectfully request leave to: add as defendants, Frank B Clark, District Attorney, and amy J. Goldstein, Assistance D.A. whom was employ with the Erie county D.A. office at the time of their malicious prosecution inflicted upon the plaintiff AMILCAR RAMOS, as amend with the original pleadings thereof.

FACTS

2. Plaintiff resided at 340 Rhode st, Buffalo New York August 30, 2007.

3. At approximately 9:05 pm, plaintiff was a passenger in a grey Mercury Lesable (Vehicle) in route to Helene Arroyo residence located at 10 Hertal st, Buffalo, New York. Ms Arroyo is plaintiffs mother.

4. Approximately 9:30 pm, while Vehicle was transitioning from Bush st onto Grote st, defendant Carl Lundin and John Doe Buffalo City Police Officers approached with guns drawn. without

no justifiable cause, nor any provocation. The defendant Lundin maliciously discharged his weapon causing one bullet to enter Vehicle s back passenger window, striking the plaintiff Ramos in left side shoulder area. The inflicted bullet cause the plaintiff serious injuries of a gun shot bullet wound to his left shoulder causing extreme unbearable pain. The Defendant Lundins bullet is presently lodged within plaintiffs back chest cavity area. the defendant Lundin maliciously use of exeessive deadly force is in violation of plaintiff Eighth and fourteenth amendment constitutional rights U.S.C.A. const. amend-8,14,

5.The Buffalo Police Department officers later arrested plaintiff on false charges 1 within sisters Hospital following admissions.

6. The trump up false arrest charges were orchestrated by the police officertry to cover up the unjustify, unlawful police shooting. The defendant Lundin, was employed by Buffalo City Police Department, acting under color of law.

See Complaint pp. 5-6

7.At no time during above described events was plaintiff armed with any weapon, nor any threat to the safety of himself or others. He had not committed any criminal offense.

8. The Buffalo Police Department Officers had no warrant nor any probable cause for arresting plaintiff nor any legal cause or excuse to seize the person of plaintiffs liberty. the D.A. Clark, and A.D.A. Goldstein, had no fundamental justification for the malicious prosecution of the false criminal charges, proceeding and trial proceeding thereof.

8. Plaintiff commenced this action via 42 U.S.C. 1983 WDNY Complaint form (Revised 03#06) dated April 2, 2009? subsequently filed May 12, 2009, under case number 09\_CV\_00453 (JJM) plaintiff completed WDNY Complaint form without legal knowledge or assistance. and still lack legal knowledge and assistance.

9. Defendants will not be prejudiced following complaints amendment.

10. Plaintiff will be effectively precluded from litigating this case in any meaningful sense without amending the Complaint.

11. No previous application for the relief requested herein has been made.

WHEREFORE, plaintiff respectfully requests an order permitting leave to amend the complaint to reflect the false arresting officers and the D.A. Clark and Goldstein the John doe defendants, complaints pleading to comply with Fed.R.Civ.P Rule 8 and 9 (as summarized above) and for such other and further relief court deems just or appropriate.

Dated: December 15, 2014

Wyoming, New York

Respectfully submitted.



AMILCAR RAMOS 12B2390  
Attica Correctional Facility  
639 Exchange street  
Attica, New York 14011

